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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, : CRIMINAL CASE NUMBER  
PLAINTIFF :  
 :  
VERSUS : 18-CR-101-7  
 :  
JASON DILLINGER, :  
DEFENDANT :

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FEBRUARY 26, 2024  
COURTROOM 10B  
PHILADELPHIA, PA 19106

---

BEFORE THE HONORABLE GENE E.K. PRATTER, J.

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SENTENCING HEARING

APPEARANCES:

CHRISTOPHER E. PARISI, ESQUIRE  
MARY KAY COSTELLO, ESQUIRE  
ASSISTANT UNITED STATES ATTORNEYS  
615 CHESTNUT STREET, SUITE 1250  
PHILADELPHIA, PA 19106

COUNSEL FOR THE GOVERNMENT

LYNN GLIGOR, RMR  
OFFICIAL COURT REPORTER  
ROOM 2609 U. S. COURTHOUSE  
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PROCEEDINGS RECORDED BY STENOGRAPHY-COMPUTER,  
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

1 CONTINUED APPEARANCES:

2 RICHARD J. FUSCHINO, JR., ESQUIRE  
3 THE LAW OFFICES OF RICHARD J. FUSCHINO, JR.  
4 1600 LOCUST STREET  
5 PHILADELPHIA, PA 19103

6  
7 COUNSEL FOR THE DEFENDANT

8  
9  
10 ALSO PRESENT: JOSEPH PETRARCA - U.S PROBATION OFFICER  
11  
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1 (CLERK OPENS COURT.)

2 THE COURT: HELLO, EVERYBODY.

3 ALL COUNSEL: GOOD MORNING, YOUR HONOR.

4 THE COURT: GOOD MORNING. TAKE YOUR  
5 SEATS, PLEASE.

6 ALL COUNSEL: THANK YOU.

7 THE COURT: SO THIS IS THE SENTENCING  
8 HEARING FOR MR. JASON DILLINGER IN THE PROSECUTION THAT  
9 IS DOCKETED AT 18-101-7.

10 IF YOU ALL WILL NOTE YOUR PRESENCE FOR  
11 THE RECORD, WE WILL GO FROM THERE.

12 MR. PARISI: GOOD MORNING, YOUR HONOR,  
13 CHRISTOPHER PARISI ON BEHALF OF THE GOVERNMENT.

14 MS. COSTELLO: AND MARY KAY COSTELLO, FOR  
15 THE UNITED STATES. GOOD MORNING, YOUR HONOR.

16 THE COURT: GOOD MORNING.

17 MR. FUSCHINO: YOUR HONOR, GOOD MORNING.  
18 RICHARD FUSCHINO, HERE FOR MR. DILLINGER. HE IS PRESENT  
19 TO MY RIGHT.

20 THE COURT: GREAT.

21 AND MR. PETRARCA.

22 THE PROBATION OFFICER: GOOD MORNING,  
23 YOUR HONOR, JOSEPH PETRARCA FROM THE U.S. PROBATION  
24 OFFICE.

25 THE COURT: THANK YOU VERY MUCH FOR YOUR

1 MATERIAL. VERY HELPFUL.

2 THE PROBATION OFFICER: OF COURSE.

3 THE COURT: AND OF COURSE MR. DILLINGER  
4 IS HERE.

5 WHY DON'T YOU STAND UP AND WE WILL HAVE  
6 YOU SWORN IN.

7 THE DEPUTY CLERK: PLEASE RAISE YOUR  
8 RIGHT HAND.

9 (DEFENDANT SWORN.)

10 THE DEPUTY CLERK: THANK YOU. PLEASE  
11 HAVE A SEAT AND STATE YOUR FULL NAME AND SPELL YOUR LAST  
12 NAME FOR THE RECORD.

13 THE DEFENDANT: JASON LAWRENCE DILLINGER,  
14 D-I-L-L-I-N-G-E-R.

15 BY THE COURT:

16 Q. MR. DILLINGER, THIS HAS BEEN A LONG TIME COMING,  
17 HASN'T IT?

18 A. IT HAS, YOUR HONOR.

19 Q. WELL, WHAT WE ARE DOING HERE TODAY IS PRETTY  
20 MUCH ALL ABOUT YOU, FOR YOU. I'M SURE IT'S VERY  
21 IMPORTANT FROM YOUR PERSPECTIVE, AS IT IS FROM THE  
22 PERSPECTIVE OF EVERYBODY ELSE, INCLUDING THE COURT. YOU  
23 WILL HEAR THINGS THAT SOUND VERY TECHNICAL, A LOT OF  
24 NUMBERS. BUT ALL OF THAT IS REALLY FOCUSED AND HELPS  
25 THE COURT FOCUS ON THE PART OF THIS HEARING THAT IS THE



1 MOST IMPORTANT, AND THAT IS TO DETERMINE WHAT SENTENCE  
2 YOU HAVE EARNED FOR YOURSELF THROUGH YOUR CONDUCT.

3 I CONSIDER YOU TO BE AN INDIVIDUAL, TO BE  
4 UNIQUE. EVERYBODY IS, FRANKLY. AND SO I AM NOT HERE TO  
5 IMPOSE SOME KIND OF AN ASSEMBLY-LINE SENTENCE.  
6 CONSEQUENTLY, THE HEARING MIGHT SEEM LIKE IT GOES A  
7 LITTLE LONGER THAN SOME PEOPLE MIGHT THINK IT NEEDS TO,  
8 BUT THAT DOES HELP THE COURT DETERMINE WHAT IS THE  
9 APPROPRIATE OUTCOME HERE.

10 AND PART OF THAT IS BECAUSE THIS IS A  
11 VERY HUMAN ASPECT OF THE CRIMINAL JUSTICE SYSTEM, AND I  
12 BELIEVE EVERY PERSON WHO SITS IN THAT CHAIR DESERVES TO  
13 KNOW THAT THERE HAS BEEN ATTENTION PAID TO THE  
14 INDIVIDUAL'S SITUATION.

15 I DO EXPECT YOU TO PAY CLOSE ATTENTION.  
16 I AM SURE YOUR LAWYER HAS TOLD YOU THAT THERE WILL BE A  
17 PART LATER ON WHERE I WILL INVITE YOU TO SAY ANYTHING  
18 THAT YOU THINK I SHOULD KNOW ABOUT YOU, OR THAT YOU WANT  
19 TO SAY TO ANYBODY ABOUT THESE CIRCUMSTANCES THAT LANDED  
20 YOU HERE AND WHAT YOU SEE IN YOUR FUTURE, THINGS OF THAT  
21 SORT. YOU OF COURSE DO NOT HAVE TO SAY A WORD, BUT YOU  
22 HAVE AN ABSOLUTE RIGHT TO SPEAK IF YOU WISH. AND THAT  
23 -- AND IF YOU DO -- I HOPE YOU DO, IF YOU DO, I WILL  
24 PROMISE I WILL LISTEN CAREFULLY.

25 OKAY? DO WE HAVE A DEAL?

1           A.           THAT'S A DEAL, YOUR HONOR.

2           Q.           GREAT.

3                       THE COURT:    SO WHICH OF OUR ASSISTANT  
4           U.S. ATTORNEYS IS GOING TO TAKE THE LABORING FOR TODAY?

5                       MR. PARISI:   I HAVE THAT HONOR, YOUR  
6           HONOR.

7                       THE COURT:    OKAY.    SAIL AWAY.

8                       MR. PARISI:   YOUR HONOR, I WILL START  
9           WITH THE GOVERNMENT'S MOTION FOR A 5K DOWNWARD  
10          DEPARTURE.

11                      THE COURT:    WHY DON'T YOU JUST TELL ME  
12          THE BACKGROUND OF THE CASE.

13                      MR. PARISI:   CERTAINLY, YOUR HONOR.   YES.

14                      YOUR HONOR, THE DEFENDANT, AS YOU ARE  
15          WELL AWARE, WAS EMPLOYED AS AN PHYSICIAN'S ASSISTANT AT  
16          ADVANCED URGENT CARE AND WAS ULTIMATELY CHARGED WITH A  
17          NUMBER OF OFFENSES.   HE ULTIMATELY PLED GUILTY TO ONE  
18          COUNT, COUNT 5 OF THE SUPERSEDING INDICTMENT, CHARGING  
19          HIM WITH CONSPIRACY TO DISTRIBUTE A CONTROLLED  
20          SUBSTANCE.   HE ENTERED THAT PLEA IN DECEMBER OF 2022, AS  
21          I RECALL.

22                      HE AGREED TO COOPERATE WITH THE  
23          GOVERNMENT, INCLUDING TESTIFYING TRUTHFULLY IF CALLED.  
24          ULTIMATELY THE GOVERNMENT DECIDED NOT TO CALL HIM, BUT  
25          THAT WAS NOT BECAUSE OF HIM.   IT WAS OUR OWN TACTICAL

1       AND STRATEGIC DECISIONS, AND WE ARE HERE TODAY FOR  
2       SENTENCING ON THAT ONE COUNT.

3                   THE COURT:   FINE.   AND I WILL MOVE TO  
4       YOUR MOTION IN A LITTLE BIT.

5                   MR. PARISI:   YES, YOUR HONOR.

6                   THE COURT:   SPEAKING OF WHICH, I AM AWARE  
7       OF THE 5K1.1 MOTION.   I HAVE READ -- THERE AREN'T ANY  
8       OTHER MOTIONS PER SE.   I KNOW THERE IS AN ARGUMENT FOR A  
9       DOWNWARD VARIANCE FROM THE DEFENSE.   WE WILL TALK ABOUT  
10      THE 5K MOTION SEPARATELY IN A MOMENT.   I HAVE REVIEWED  
11      CAREFULLY AND MR. PETRARCA'S PRESENTENCE INVESTIGATION  
12      REPORT.   IT WAS PREPARED INITIALLY IN JANUARY, JUST A  
13      MONTH AGO, AND THEN IT WAS JUST RECENTLY REVISED  
14      FEBRUARY 22ND.

15                   I HAVE THE GOVERNMENT'S MATERIAL AND THE  
16      DEFENSE MATERIAL.

17      BY THE COURT:

18      Q.       MR. DILLINGER, HAVE YOU HAD A CHANCE TO READ ALL  
19      THIS STUFF?

20      A.       YES, I HAVE, YOUR HONOR.

21      Q.       YOU ARE FAMILIAR WITH WHAT EVERYBODY IS ARGUING  
22      OR SAYING SHOULD HAPPEN HERE?

23      A.       YES, I AM.

24      Q.       WE ALL KNOW THAT THE SENTENCING GUIDELINES ARE  
25      JUST THAT.   THEY ARE GUIDELINES.   THEY ARE NOT

1 MANDATORY. BUT THEY ARE A VERY IMPORTANT PART OF THIS  
2 PROCESS. THE SUPREME COURT HAS GONE OUT OF ITS WAY TO  
3 EXPLAIN THAT THE GUIDELINES ARE THE PRODUCT OF VERY  
4 CAREFUL STUDY, GATHERING UP INFORMATION OVER THE COURSE  
5 OF MANY YEARS, OVER THE COURSE OF MANY SENTENCINGS, TO  
6 TRY AND BRING INTO ONE SETTING OR ONE BOOK A LOT OF DATA  
7 FOR THE -- RESOURCE, FOR PEOPLE WHO ARE IN YOUR  
8 SITUATION, FOR JUDGES, FOR LAWYERS, SO THAT WE CAN HAVE  
9 SOME APPRECIATION OF HOW VARIOUS CRIMES AND VARIOUS  
10 PEOPLE WITH VARIOUS BACKGROUNDS ARE PROCESSED THROUGH  
11 THE CRIMINAL JUSTICE SYSTEM. IN SOME WAY, THAT MAKES  
12 SOME MORE OR LESS SENSE SO THAT IT'S NOT MERCURIAL, IN  
13 OTHER WORDS. IT'S NOT JUST THE PRODUCT OF ONE JUDGE'S  
14 FEELINGS ONE DAY IN ONE PLACE IN THE COUNTRY WITH ONE  
15 DEFENDANT, THE IDEA BEING, QUITE SENSIBLY, THAT THE  
16 SYSTEM MAKES BETTER SENSE IF IT SEEMS TO RELATE TO EACH  
17 OTHER AND IT'S NOT JUST WHIMSY.

18 SO IT BEHOOVES ME TO DETERMINE WHAT THE  
19 ARGUABLY APPLICABLE GUIDELINES ARE IN YOUR CASE. AND  
20 ONCE I HAVE DONE THAT, OF COURSE I LOOK AT THE  
21 INDIVIDUAL FACTS THAT PERTAIN TO YOU AND YOUR CASE.  
22 THAT WOULD BE THE PROCESS, IF THERE WERE OBJECTIONS TO  
23 THE REPORT.

24 BUT MY UNDERSTANDING IS THAT IN THIS  
25 INSTANCE THERE ARE NO OBJECTIONS FROM ANYBODY FROM THE

1 PRESENTENCE REPORT.

2 MR. FUSCHINO: CORRECT, YOUR HONOR.

3 MR. PARISI: YES, YOUR HONOR.

4 THE COURT: SO I WILL ADOPT THE FACTUAL  
5 FINDINGS IN THE REPORT. THAT'S BECAUSE THEY ARE ALL  
6 UNCONTESTED. AND THEN EVEN THOUGH I CAN'T NECESSARILY  
7 PRESUME THAT THE GUIDELINES ARE REASONABLE, THAT THE  
8 RANGE IS REASONABLE, WE DO HAVE TO START WITH THAT, AND  
9 I AM USING THE 2023 GUIDELINES MANUAL FOR THIS PURPOSE.

10 WE START WITH THE FACT THAT YOUR  
11 CONVICTION IS FOR A VIOLATION OF TITLE 21 OF THE UNITED  
12 STATES CODE SECTION 846. THAT DIRECTS US TO GUIDELINE  
13 2D1.1, WHICH SETS OUT A BASE OFFENSE LEVEL OF 24, GIVEN  
14 THE FACT THAT WE ARE TALKING ABOUT CONVERTED DRUG  
15 WEIGHTS AND THAT IN YOUR CASE THAT CONVERTED WEIGHT IS  
16 BETWEEN 100 AND 400 KILOGRAMS. SO THE GUIDELINES WOULD  
17 CALL FOR THE 24, AND THAT'S GUIDELINE 2D1.1(A)(5) AND  
18 (C)(8), FROM WHICH A NUMBER OF LEVELS ARE TAKEN.

19 FIRST, YOU MEET THE CRITERIA FOR  
20 GUIDELINE 5C1.2. SO YOUR OFFENSE LEVEL IS DECREASED BY  
21 TWO LEVELS. TWO MORE ARE TAKEN AWAY BECAUSE YOU WERE A  
22 MINOR PARTICIPANT IN THIS CRIMINAL ACTIVITY. SO  
23 GUIDELINE 3B1.2(B) AUTHORIZES THE REMOVAL OF TWO LEVELS.  
24 BUT BECAUSE YOU HAD A POSITION OF TRUST, GIVEN YOUR  
25 TRAINING AND YOUR POSITION AS A PHYSICIAN'S ASSISTANT,

1 THE GUIDELINES WOULD ADD ON TWO LEVELS AS PERMITTED BY  
2 3B1.3. THE NET RESULT OF THAT FOR AN ADJUSTED OFFENSE  
3 LEVEL SUB TOTAL IS A 22.

4 BUT AGAIN, BECAUSE YOU HAVE A VERY CLEAN  
5 RECORD UP TO THIS POINT IN YOUR LIFE, YOU ARE WHAT WE  
6 CALL A ZERO POINT OFFENDER. SO TWO LEVELS ARE REMOVED  
7 PURSUANT TO GUIDELINE 4C1.1(A) AND (B). TWO MORE ARE  
8 REMOVED BECAUSE YOU HAVE ACCEPTED YOUR RESPONSIBILITY  
9 FOR YOUR CONDUCT. SO GUIDELINE 3E1.1(A) REMOVES TWO,  
10 AND THEN ANOTHER OFFENSE LEVEL IS DECREASED AGAIN  
11 BECAUSE OF YOUR ACCEPTANCE OF YOUR RESPONSIBILITY. SO  
12 THAT TAKES ANOTHER LEVEL AWAY, AS AUTHORIZED BY  
13 3E1.1(B). THAT, MATH-WISE, LEADS TO 17 AS AN OFFENSE  
14 LEVEL.

15 YOU HAVE NO CONVICTIONS ON YOUR RECORD.  
16 SO THAT MEANS YOU HAVE A CRIMINAL HISTORY SCORE OF ZERO,  
17 AND THAT PUTS YOU IN A CRIMINAL HISTORY CATEGORY OF 1.

18 NOW, JUST TO START THEN WITH THIS  
19 GUIDELINE SYSTEM, THE GUIDELINES -- JUST ON THE BASIS OF  
20 ALL OF THAT THAT I JUST WENT THROUGH, THE GUIDELINES  
21 WOULD CALL FOR A PERIOD OF INCARCERATION OF BETWEEN 24  
22 AND 30 MONTHS; FOLLOWED BY BETWEEN 1 AND 3 YEARS OF  
23 SUPERVISED RELEASE; A FINE OF BETWEEN \$5,000 AND A  
24 MILLION DOLLARS; AND A \$100 SPECIAL ASSESSMENT.

25 NOW ALL OF THAT IS WHAT HAPPENS BEFORE WE

1 GET TO THE GOVERNMENT'S VERY APPROPRIATE MOTION PURSUANT  
2 TO THE GUIDELINES THAT WOULD ALLOW FOR A WHOLLY  
3 DIFFERENT APPROACH TO YOUR SITUATION AS AUTHORIZED BY  
4 GUIDELINE 5K1.1. AND WE WILL TALK ABOUT THAT.

5 COUNSEL, DO YOU ALL AGREE THAT THAT'S THE  
6 WAY THIS ALL WORKS IN MR. DILLINGER'S SITUATION?

7 MR. FUSCHINO: THE DEFENSE AGREES, YOUR  
8 HONOR.

9 MR. PARISI: YES, YOUR HONOR.

10 THE COURT: OKAY.

11 BY THE COURT:

12 Q. NOW, YOUR SENTENCING ACTUALLY BEGAN WAY BACK,  
13 MR. DILLINGER, WHEN YOU PLED GUILTY BECAUSE AT THE TIME,  
14 YOU HAD A LITTLE BIT OF A HEADS UP AND YOU KNEW WHAT THE  
15 CONSEQUENCES COULD BE BY PLEADING GUILTY. AND YOU ARE  
16 AN INTELLIGENT HUMAN BEING. YOU'RE ENTITLED TO KNOW  
17 WHAT YOUR CHOICES ARE AND WHAT THE RISKS ARE, WHICH IS  
18 WHY I START OUT WITH THAT DURING THE GUILTY PLEA  
19 HEARINGS. BUT NOW YOU KNOW THE WAY THE GUIDELINES AT  
20 LEAST ON THE SURFACE WORK IN YOUR CASE.

21 AND I AM GOING TO NOW ASK YOUR COUNSEL TO  
22 ADD ANY ADDITIONAL REMARKS, CALL ANY WITNESSES -- OH, BY  
23 THE WAY, IN CONNECTION WITH THIS SENTENCING, NOT ONLY  
24 DID I RECEIVE THE MEMOS AND THE REPORT OF THE PROBATION  
25 OFFICE, I ALSO RECEIVED A COUPLE OF LETTERS FROM YOUR

1 FRIENDS AND PEOPLE WHO KNOW YOU. LET ME JUST RECOUNT  
2 THEM JUST TO MAKE SURE EVERYBODY KNOWS IT.

3 I RECEIVED A LETTER FROM THOMAS  
4 GIOVINAZZO; A DR. HEIDI HINDLER; A DR. LEONARD SACKS;  
5 DR. TOM TRAIKOFF; A LETTER FROM JAMIE HULSTA; A LETTER  
6 FROM JASON NEWCOMER; A LETTER FROM JOHN SCARDAPANE; A  
7 LETTER FROM ELIZABETH KUYPER; A LETTER FROM MATTHEW  
8 BRANNON; A LETTER FROM THE REVEREND DR. STEVEN SCHUSTER;  
9 AND A LETTER FROM SUSAN HIPPI-LUDWICK.

10 I MEANT TO ASK IF THERE IS ANY OTHER  
11 MATERIAL THAT ANYBODY THINKS I SHOULD HAVE THAT I HAVE  
12 NOT NOW MENTIONED.

13 MR. FUSCHINO: YOUR HONOR, THERE WAS AN  
14 EMPLOYMENT EVALUATION FROM 2018 THAT WE SUBMITTED ALSO.  
15 DID THE COURT GET THAT? IT'S ONLY FIVE PAGES.

16 THE COURT: THE ANNUAL REVIEW? YES, I DO  
17 HAVE THAT. THANK YOU VERY MUCH.

18 FROM MR. FUSCHINO.

19 MR. FUSCHINO: YES, YOUR HONOR.

20 THE COURT: GOOD.

21 MR. FUSCHINO: YES, YOUR HONOR.

22 THE COURT: OKAY. GREAT.

23 ANYTHING ELSE THAT ANYBODY THINKS I  
24 SHOULD HAVE?

25 MR. PARISI: NOTHING FROM THE GOVERNMENT,



1 YOUR HONOR.

2 THE COURT: BUT EVERYBODY HAS WHAT I  
3 MENTIONED?

4 MR. FUSCHINO: YES.

5 THE COURT: GREAT. NOW, I WILL CALL ON  
6 DEFENSE COUNSEL FOR ADDITIONAL REMARKS OR ARGUMENT.

7 MR. FUSCHINO: MAY I, YOUR HONOR?

8 THE COURT: YES.

9 MR. FUSCHINO: GOOD MORNING, AGAIN, YOUR  
10 HONOR.

11 YOUR HONOR SAID THIS AT THE VERY  
12 BEGINNING WHEN YOU CAME OUT THAT THIS HAS BEEN A LONG  
13 TIME COMING FOR MR. DILLINGER. AND IN THINKING OF WHAT  
14 I AM GOING TO ASK THE COURT TO DO, I CONSIDERED THAT  
15 BECAUSE FOR THE LAST FIVE OR SO YEARS SINCE THE  
16 INDICTMENT CAME DOWN, YOU KNOW, MR. DILLINGER DOES NOT  
17 GET ANY CREDIT FOR THAT TIME ON SUPERVISION WITH THIS  
18 HANGING OVER HIS HEAD. AND I THINK I WOULD LOSE  
19 CREDIBILITY WITH THE COURT IF I SAID THAT'S THE ONLY  
20 PENALTY HE OUGHT TO RECEIVE. BUT EVEN BEFORE THAT, YOUR  
21 HONOR, I THINK IT'S IMPORTANT FOR THE COURT TO CONSIDER  
22 YEARS BEFORE THAT A SEARCH WARRANT WAS EXECUTED AT HIS  
23 RELATIVELY NEW PLACE OF EMPLOYMENT AND HE HAD IT HANGING  
24 OVER HIS HEAD BEFORE HE WAS INDICTED TOO.

25 THE COURT: ONE MIGHT SAY THAT WORKING

1 WITH SOME OF THE PEOPLE HE HAD TO WORK WITH WAS ALSO  
2 PUNISHMENT.

3 MR. FUSCHINO: YOUR HONOR, THE ANALOGY --  
4 AS THE COURT IS AWARE, FOUR PHYSICIAN'S ASSISTANTS WERE  
5 CHARGED IN THIS CASE. TWO OF THE CHARGES RELATIVELY  
6 WERE WITHDRAWN OR DISMISSED. ONE WENT TO TRIAL BEFORE  
7 YOUR HONOR. MR. DILLINGER ACCEPTED RESPONSIBILITY.

8 IN SPEAKING WITH COUNSEL FOR ONE OF THE  
9 OTHER PHYSICIAN'S ASSISTANTS, HE MADE SUCH A GOOD  
10 ANALOGY THAT I COULD NOT SAY IT BETTER TO THE COURT.  
11 BUT WHEN I CAME OUT OF THE DISTRICT ATTORNEY'S OFFICE, I  
12 STARTED WORKING WITH BILL BRENNAN. HE TAUGHT ME HOW TO  
13 BE A DEFENSE LAWYER. I WAS A VERY LUCKY MAN. SOME  
14 LAWYERS COME OUT OF THE D.A.'S OFFICE OR THE P.D.'S  
15 OFFICE AND THEY GO WORK -- I WON'T SAY THE EXAMPLE THAT  
16 MR. BOZZELLI USED -- BUT FOR OTHER LAWYERS WHO ARE LESS  
17 HONEST, LESS GOOD AT WHAT THEY DO, LESS COMMITTED TO  
18 THEIR CLIENTS. YOU DON'T PICK NECESSARILY WHO YOU ARE  
19 GOING TO GO WORK FOR. YOU APPLY FOR JOBS AND YOU TALK  
20 TO PEOPLE AND YOU DO THE BEST THAT YOU CAN, BUT YOU  
21 DON'T HAVE ALL OF THE INFORMATION THAT YOU DO 15 YEARS  
22 LATER.

23 THAT IS VERY MUCH THE SET OF  
24 CIRCUMSTANCES MR. DILLINGER FOUND HIMSELF IN. OF THE  
25 FOUR PHYSICIAN'S ASSISTANTS WHO WERE CHARGED, THERE MAY

1 BE ONE OTHER WHO HAD NOT WORKED ANYWHERE ELSE BEFORE.  
2 BUT CERTAINLY MR. DILLINGER HAD -- THIS WAS HIS FIRST  
3 JOB AFTER HE GET HIS LICENSE. AND HE ENDS UP IN THIS  
4 POSITION WHERE, AS HIGHLIGHTED IN THE VERY WELL DONE  
5 PRESENTENCE REPORT IN PARAGRAPHS 96 THROUGH 101, HE IS  
6 WORKING WITH DR. HIGHLAND CAMPBELL. AND THIS IS THE  
7 ESSENTIAL PART OF HIS CONDUCT TO WHICH HE PLEADED  
8 GUILTY. AND WHILE WE HAVE NO OBJECTION TO THAT, I THINK  
9 -- WE PUT IT IN THE SENTENCING MEMO.

10 THERE IS SOME CONTEXT THAT I THINK IS  
11 IMPORTANT FOR THE COURT IN CONSIDERING WHY A VARIANCE  
12 MAY BE APPROPRIATE HERE. BESIDES THE FACT THAT DR.  
13 CAMPBELL WAS HIS SUPERVISING PHYSICIAN AT THE TIME, AND  
14 I DON'T MEAN THAT NECESSARILY ON HIS LICENSE. I MEAN HE  
15 WAS THE PERSON HE WAS WORKING WITH DIRECTLY. I WILL  
16 RECALL FOR THE COURT THAT EARLY ON WHEN MR. DILLINGER  
17 WAS WORKING AT AUC, HE WAS WORKING WITH DR. CAMPBELL  
18 WHEN DR. CAMPBELL'S MOTHER TOOK HER OWN LIFE, LIKE  
19 LITERALLY THE SAME DAY. THIS PUT MR. DILLINGER AND DR.  
20 CAMPBELL IN A POSITION WHERE THEY BECAME CLOSE VEST. I  
21 CAN'T IMAGINE BEING IN THE ROOM WITH SOMEONE GETTING THE  
22 PHONE CALL SAYING YOUR MOTHER THREW YOURSELF OFF OF A  
23 BUILDING.

24 AFTER THAT, MR. DILLINGER TO A CERTAIN  
25 EXTENT WAS MISLED. I AM NOT HERE TO TAKE AWAY HIS

1 ACCEPTANCE OF RESPONSIBILITY. BUT CERTAINLY, THERE WERE  
2 -- THERE WAS A LOT OF DISHONESTY OCCURRING THERE AT AUC.  
3 AND AS MUCH AS MR. DILLINGER ACCEPTS RESPONSIBILITY, IN  
4 SOME WAYS HE WAS BEING TOLD THINGS THAT WERE INCORRECT  
5 ALSO. AND IMPORTANTLY HE WAS TOLD THAT DR. CAMPBELL HAD  
6 SOME ADMINISTRATIVE PROBLEM WITH HIS LICENSE. THE  
7 ANALOGY I WOULD MAKE IS IF SOMEONE DIDN'T COMPLETE ALL  
8 OF THEIR CLE REQUIREMENTS FOR THE END OF THE YEAR AND  
9 WAS ADMINISTRATIVELY SUSPENDED BY THE BAR. THEY STILL  
10 KNOW WHAT THEY ARE DOING. IT'S NOT A MALFEASANCE. IT'S  
11 AN ADMINISTRATIVE MINISTERIAL THING.

12 NEVERTHELESS, HE CERTAINLY ON THE FIVE OR  
13 SO OCCASIONS HE WORKED WITH DR. CAMPBELL, DID GIVE HIM  
14 HIS PRESCRIPTION PAD OR PRESIGNED SCRIPTS. IT WAS THE  
15 WRONG THING TO DO. HE UNDERSTANDS THAT. AND I DO NOT  
16 MEAN AGAIN TO TAKE AWAY HIS CULPABILITY.

17 BUT WHILE WE DID NOT OBJECT TO THE TWO  
18 LEVEL INCREASE FOR ABUSE OF POSITION OF TRUST, I THINK  
19 THAT IT IS IMPORTANT AGAIN IN TERMS OF A VARIANCE TO  
20 CONSIDER THAT, JUDGE. THIS IS A NEW PHYSICIAN'S  
21 ASSISTANT WITH A UNIQUE RELATIONSHIP WITH THIS DOCTOR,  
22 WHO HE DID THIS FOR ONLY ON A FEW OCCASIONS IN A  
23 RELATIVELY SHORT PERIOD OF TIME, UNDERSTANDING HOW MUCH  
24 LARGER THE CONSPIRACY IS.

25 AND MORE SO, YOUR HONOR, AND I SAY THIS

1 BECAUSE I GET TO BE THE LIGHTNING ROD FOR SAYING  
2 UNPLEASANT THINGS HERE I ENCOURAGE MR. DILLINGER NOT TO  
3 BE, HE IS THE ONLY GUY WHO ACTUALLY STOOD UP AND DID THE  
4 RIGHT THING HERE. HE DIDN'T WASTE THE COURT'S TIME. HE  
5 DIDN'T GET A PASS FOR REASONS THAT -- I UNDERSTAND IT.  
6 AND MORE IMPORTANTLY THAN ANY OF THAT, YOUR HONOR, THERE  
7 IS NO SOUR GRAPES FROM HIM. THERE'S NO, OH, I SHOULD  
8 HAVE DONE THIS. YOU ARE NOT HEARING US SAYING OH, IS  
9 THERE SOME WAY WE COULD WITHDRAW THE PLEA? IS THERE  
10 SOME WAY OUT OF THIS? NOPE.

11 HE IS HERE AND HE IS READY AND HE IS  
12 ENGAGED AND HE IS GOING TO TELL THE COURT THAT HE IS  
13 GOING TO SIN NO MORE. THIS CANDOR FROM MR. DILLINGER IS  
14 UNCOMMON. READING THE PRESENTENCE REPORT HE SPEAKS VERY  
15 HONESTLY ABOUT HOW HE USED STEROIDS WHEN HE HAD AN  
16 INJURY, ABOUT HIS DRUG USE. HE HAS A PRIOR HISTORY OF  
17 DRUG USE THAT HE HAS BEEN VERY OPEN ABOUT AND HAS BEEN  
18 FRANKLY EXEMPLARY IN MEETING IN OPIOID ADDICTION.

19 ALL OF THESE THINGS GO TO THE CONFIDENCE  
20 THAT I SUBMIT THE COURT CAN HAVE IN HAVING HIM IN A  
21 PERIOD OF SUPERVISION, AS OPPOSED TO ANY OTHER SENTENCE.  
22 AND I REALIZE THAT THE GOVERNMENT HAS ULTIMATELY  
23 REQUESTED IN ITS SENTENCING MEMORANDUM THAT THE COURT  
24 DOES NOT SENTENCE MR. DILLINGER TO INCARCERATION. BUT I  
25 DO NOT TAKE THAT FOR GRANTED.

1 THE COURT: I THINK THEIR ACTUAL LANGUAGE  
2 IS THE GOVERNMENT DOES NOT OBJECT.

3 MR. FUSCHINO: THEY ARE VERY CLEVER, YOUR  
4 HONOR, MORE THAN I.

5 THE COURT: NOT CLEVER. IT'S LIKE IT  
6 COMES OFF THE COMPUTER.

7 MR. FUSCHINO: BUT MY POINT IS, YOUR  
8 HONOR, I DON'T TAKE THAT FOR GRANTED. MR. DILLINGER  
9 DOES NOT TAKE THAT FOR GRANTED. THE DECISION IS  
10 ULTIMATELY UP TO THE COURT AND AS EVERYBODY TOLD HIM  
11 HONESTLY NOBODY KNOWS WHAT HE IS GOING TO GET.

12 THE COURT: HE DOES NOT GET ANYTHING. HE  
13 EARNS SOMETHING.

14 MR. FUSCHINO: FAIR ENOUGH, YOUR HONOR.  
15 I APOLOGIZE.

16 THE COURT: THAT'S ALL RIGHT. I HAVE A  
17 BIT OF A --

18 MR. FUSCHINO: YOU ARE RIGHT.

19 THE COURT: -- AN AUTO RESPONSE TO THAT.

20 MR. FUSCHINO: YOUR HONOR IS RIGHT.

21 YOUR HONOR, THE COURT SAW THE LETTERS  
22 THAT WE SUBMITTED ON BEHALF OF MR. DILLINGER. AND WHILE  
23 THERE WERE CERTAINLY FAMILY MEMBERS AND FRIENDS WHO LAUD  
24 HIM, MUCH, MUCH MORE IMPORTANTLY, I THINK, ARE HIS  
25 CO-WORKERS AND SUPERVISORS AND OTHER PHYSICIANS WHO HAVE

1 HAD THE OPPORTUNITY TO SEE HIM THE WAY YOU AND I NEVER  
2 WILL. THE GOVERNMENT NEVER WILL. BECAUSE NOW HE HAS  
3 EXPERIENCE AND THIS HORRIBLE EXPERIENCE.

4 DR. SACKS, WHO IS CURRENTLY HIS  
5 SUPERVISING PHYSICIAN, PUTS IN HIS LETTER HOW HAPPY HE  
6 IS TO BE WORKING WITH MR. DILLINGER. SUSAN  
7 HIPPIE-LUDWICK, WHO IS THE OWNER WHERE HE WORKS AT PRESENT  
8 TODAY.

9 AND I SHOULD NOTE, HE HAS A NUMBER OF  
10 PEOPLE PRESENT TODAY, YOUR HONOR. HIS FAMILY IS HERE.  
11 FRIENDS ARE HERE. CO-WORKERS ARE HERE. NOBODY WISHES  
12 TO SPEAK, YOUR HONOR, BUT I THINK IT'S IMPORTANT --

13 THE COURT: AS LONG AS THEY KNOW THEY ARE  
14 CERTAINLY WELCOME TO SPEAK IF THEY --

15 MR. FUSCHINO: THEY ARE, YOUR HONOR.  
16 THEY ARE AWARE. MR. DILLINGER HAS ASKED THAT NO ONE  
17 SPEAK BUT HIM. I RESPECT HIS WISHES, BUT THEY ARE HERE  
18 AND MANY WROTE LETTERS, JUDGE.

19 BECAUSE MR. DILLINGER IS ENTITLED TO THE  
20 SAFETY VALVE, THE TWO-POINT REDUCTION FOR NOT HAVING A  
21 RECORD AND A TWO-LEVEL DECREASE FOR A MINOR ROLE, I  
22 DON'T THINK IT IS WORTH THE COURT'S TIME, AND I DON'T  
23 THINK IT'S SUPPORTED BY THE CASE LAW OR THE FACTS TO  
24 ARGUE OR OBJECT TO THE TWO-POINT INCREASE FOR ABUSE OF  
25 TRUST. BUT I THINK THAT THESE ARE THINGS THAT THE COURT

1 CAN TAKE INTO CONSIDERATION IN ULTIMATELY GRANTING  
2 VARIANCE FOR MR. DILLINGER.

3 AGAIN, JUDGE, I THINK I WOULD LOOK SILLY  
4 IF I WERE TO SAY THAT MR. DILLINGER DESERVED NO SENTENCE  
5 OTHER THAN DETENTION FOR THE REST OF THE DAY DOWN IN THE  
6 MARSHAL'S OFFICE OR NO FURTHER PUNISHMENT, WHICH WOULD  
7 BE LEVEL. BUT I DO ASK THAT THE COURT TAKE INTO  
8 CONSIDERATION THAT THIS HAS ALL BEEN HANGING OVER HIM  
9 FOR SOME TIME.

10 AND LASTLY, YOUR HONOR, MR. DILLINGER IS  
11 STILL LICENSED AS A PHYSICIAN'S ASSISTANT, STILL  
12 ACTIVELY WORKING, WORKING WITH PEOPLE WHO HAVE WRITTEN  
13 TO THE COURT AND SAY HOW WELL HE IS DOING WITH THAT.  
14 THERE IS A RISK THAT HE LOSES OR HAS HIS LICENSE  
15 SUSPENDED. HE HAS BEEN UP FRONT WITH THE LICENSING  
16 BOARD. THEY ARE AWARE OF THIS. THEY HAVE BEEN AWARE OF  
17 THIS FOR OVER A YEAR. HE IS DOING EVERYTHING HE CAN TO  
18 MAKE SURE HE DOES THAT CORRECTLY AND PROPERLY. BUT IT  
19 IS A COLLATERAL FACT THAT THE COURT IS ALLOWED TO  
20 CONSIDER, HAVING TO WORK WITH DR. NIKPARVAR-FARD, IN  
21 FASHIONING A SENTENCE AND POTENTIALLY GRANTING A  
22 VARIANCE.

23 SO WITH THAT, YOUR HONOR, WHEN THE COURT  
24 IS READY, MR. DILLINGER DOES HAVE A STATEMENT HE WOULD  
25 LIKE TO GIVE TO THE COURT. AND I HAVE NOTHING ELSE



1 UNLESS THE COURT HAS QUESTIONS FOR ME.

2 THE COURT: THANK YOU VERY MUCH. I WOULD  
3 ACTUALLY LIKE TO HEAR FROM MR. DILLINGER.

4 AND SIR, YOU HAVE A FULL OPPORTUNITY TO  
5 SPEAK TO ME ON YOUR OWN BEHALF, TELL ME ANYTHING YOU  
6 THINK I SHOULD KNOW ABOUT YOU. YOUR COUNSEL HAS BEEN  
7 VERY EFFECTIVE AND HE'S COVERED A GREAT DEAL OF THE  
8 MATERIAL. BUT IT COMES REALLY DOWN TO WHAT YOU HAVE TO  
9 SAY TO ME AND HOW YOU HAVE INTERPRETED ALL OF THIS THAT  
10 HAS HAPPENED IN YOUR LIFE.

11 MR. FUSCHINO: YOUR HONOR, WOULD YOU LIKE  
12 TO HAVE MR. DILLINGER COME TO THE PODIUM, STAY WHERE HE  
13 IS --

14 THE COURT: WHATEVER WORKS FOR HIM.

15 THE DEFENDANT: GOOD MORNING, YOUR HONOR.

16 FIRST, I JUST WANT TO THANK YOU FOR  
17 HEARING ME SPEAK TODAY. I KNOW IT'S ALL PART OF THE  
18 PROCESS. HOWEVER, IT HAS BEEN NINE YEARS OF ME TELLING  
19 THE STORY TO HUNDREDS OF PEOPLE WHO COULD REALLY SHOW ME  
20 NOTHING BUT PITY. IT FEELS GOOD TO BE ABLE TO SPEAK TO  
21 SOMEONE WHO MIGHT ACTUALLY BE ABLE TO HELP. SO I AM  
22 GENUINELY APPRECIATIVE FOR THE OPPORTUNITY.

23 ALSO, I JUST WANT TO TAKE A QUICK MOMENT  
24 TO THANK MY PARENTS. THEY NEVER DESERVED ANY OF THIS.  
25 THEY ARE --

1 THE COURT: TURN AROUND, AND LOOK AT  
2 THEM.

3 THE DEFENDANT: THERE THEY ARE.

4 THEY NEVER DESERVED ANY OF THIS AND THEIR  
5 FORTITUDE AND STRENGTH HAS BEEN REMARKABLE. THEY HAVE  
6 ALWAYS BEEN REALLY INCREDIBLE ROLE MODELS, BUT THIS  
7 EXPERIENCE HAS SHOWED ME A LEVEL OF LOVE AND SUPPORT  
8 BEYOND ANYTHING I EVER THOUGHT I WOULD EXPERIENCE.

9 ALSO, I KNOW YOU READ MY LETTER. I HOPE  
10 IT WAS CLEAR ENOUGH TO UNDERSTAND MY INVOLVEMENT IN THE  
11 CONSPIRACY CHARGE, AND I DO LOOK FORWARD TO ANSWER ANY  
12 QUESTIONS YOU MIGHT HAVE PERTAINING TO THE LETTER.

13 YOUR HONOR, I FEEL REMISS AND I WILL ONLY  
14 SPEND JUST A FEW MOMENTS EXPRESSING IN MY OWN WORDS THE  
15 PUNISHMENT THAT I HAVE ENDURED OVER THE LAST NINE YEARS,  
16 HOPING THAT YOU CAN VIEW THIS THROUGH THE LENS OF  
17 SOMEBODY WHO GREW UP IN MIDDLE CLASS SUBURBIA. I ALWAYS  
18 WANTED TO BE THE PERSON WHO MADE THE LIVES AROUND ME  
19 BETTER AND CERTAINLY NO ASPIRATIONS OF CRIMINALITY OR  
20 HAVING ANY SEMBLANCE OF ILL WILL TOWARDS OTHER PEOPLE.  
21 NOT ONLY WHAT MANY WOULD CHARACTERIZE AS THE PRIME OF MY  
22 LIFE, EVERYTHING PUT ON HOLD FOR NINE YEARS OR CLOSER TO  
23 A DECADE, BUT I HAVE LIVED THAT TIME IN CONSTANT FEAR OF  
24 WHAT THE FUTURE MIGHT HOLD. THIS FEAR AND ANXIETY  
25 TOWARDS THE FUTURE IS -- IT'S ALL BEEN NEGATED ANY

1        SEMBLANCE OF HAPPINESS THAT I WOULD BE ABLE TO HAVE. I  
2        ONLY HAVE A VAGUE RECOLLECTION OF WHAT THAT EVEN FEELS  
3        LIKE.

4                        ONE OF MY FRIENDS, I THINK, DESCRIBED IT  
5        VERY WELL THAT EVERYONE KNOWS WHAT IT'S LIKE TO HAVE A  
6        NIGHTMARE, TO WAKE UP AND HAVE THAT WAVE OF RELIEF THAT  
7        COMES OVER YOU ONCE YOU REALIZE IT'S NOT REAL. AND FOR  
8        ME, I WAKE UP EVERY DAY AND FOR A FEW SECONDS I WAIT FOR  
9        THAT WAVE TO COME. OF COURSE, IT NEVER DOES. AND I  
10       REMEMBER THAT THE NIGHTMARE IS REAL AND HAS BEEN EVERY  
11       MORNING FOR NINE YEARS.

12                      THE COURT: WHEN DID IT STRIKE YOU THAT  
13       YOU WERE IN TROUBLE?

14                      THE DEFENDANT: WHAT'S THAT?

15                      THE COURT: WHEN DID YOU REALIZE YOU WERE  
16       IN TROUBLE?

17                      THE DEFENDANT: SO THE DAY OF THE RAID  
18       HAPPENED, I KIND OF SAY IT WAS INTERESTING BECAUSE I HAD  
19       ZERO ANXIETY. THESE PEOPLE WERE IN THERE WITH ALL THEIR  
20       VESTS ON AND GUNS DRAWN AND EVERYTHING LIKE THIS. I  
21       DIDN'T THINK I HAD DONE ANYTHING WRONG. BUT I WAS  
22       SITTING IN THAT ROOM FOR ABOUT 30 MINUTES TALKING TO THE  
23       LICENSING PERSON AND THE D.A. PERSON I STARTED TO GET A  
24       LITTLE BIT SCARED, AND THAT'S WHEN THINGS STARTED TO GO  
25       BAD. AND IT WAS ABOUT -- I WOULD SAY ABOUT SIX OR SEVEN

1 MONTHS AFTER THAT WHERE THE WORD "CRIMINAL" STARTED TO  
2 BE USED IN THE SAME SENTENCE AS ME. BECAUSE IT WAS ALL  
3 BEFORE IT WAS MORE OF A THOUGHT OF LICENSING, THINGS ON  
4 THOSE LINES, DID I MAKE A MISTAKE WITH LICENSING. WHEN  
5 THE WORD "CRIMINAL" STARTED TO GET THROWN AROUND, ABOUT  
6 SIX MONTHS AFTER THAT IS WHEN LIFE STARTED TO GET REAL  
7 SCAREY REAL QUICK.

8 SORRY.

9 THE COURT: NO. THAT'S FINE. I  
10 INTERRUPTED YOU.

11 THE DEFENDANT: THAT'S FINE.

12 FOR A MORE OBJECTIVE STANDPOINT, WHAT  
13 THIS HAS BEEN FOR ME IS GETTING MARRIED AND HAVING A  
14 FAMILY IS PRETTY MUCH BEEN OUT OF THE QUESTION. I DID  
15 HAVE A GIRLFRIEND WHO I THOUGHT I WAS GOING TO MARRY AND  
16 HAVE A FAMILY WITH AT THE TIME. BUT YOU KNOW, WE TRIED  
17 TO MAKE IT WORK. WE REALLY DID. BUT YEARS AND YEARS OF  
18 THE TORMENT EVENTUALLY INSIDIOUSLY DESTROYED WHAT WAS  
19 ONCE A PRETTY AMAZING RELATIONSHIP. AND AFTER THAT, MY  
20 ABILITY TO BEING IN A MEANINGFUL AND LOVING RELATIONSHIP  
21 REALLY IS NOT KIND OF OUT OF THE QUESTION WHILE I AM  
22 WAITING FOR THIS TO END. GOING BACK TO SCHOOL, BUYING A  
23 HOME, MOVING TO ANOTHER STATE, ADVANCING MY CAREER,  
24 NOTHING. ALL BASICALLY BEEN IMPOSSIBLE.

25 I WOULD SAY THE WORST PART OF ALL OF THIS

1        REALLY HAS BEEN JUST THE CRIPPLING ANXIETY. I STILL  
2        DON'T REALLY KNOW HOW I GET OUT OF BED SOME DAYS TO  
3        BRUSH MY TEETH, LET ALONE GO FACE THE WORLD OR FUNCTION  
4        IN A 12-HOUR WORKDAY. IF SOMEONE LIKE ME A DECADE AGO  
5        AND DIDN'T REALLY UNDERSTAND WHAT ANXIETY IS, YOU KNOW I  
6        WOULD SAY IT IS LITERALLY LIVING YOUR LIFE IN MENTAL  
7        AGONY THAT OFTEN MANIFESTS ITSELF INTO PHYSICAL PAIN.

8                    AND THEN THERE WAS THE INDICTMENT. SO A  
9        LOT OF THIS WAS GOING ON BEFORE THE INDICTMENT. WHEN  
10       THE INDICTMENT DID HAPPEN, YOU KNOW I DID LOSE MY JOB.  
11       YOU KNOW, I WAS UNEMPLOYED FOR A YEAR, CLOSE TO A YEAR  
12       AFTER THAT. IT WAS RIGHT AT THIS TIME WHEN I STARTED TO  
13       GENERALLY GET COMFORTABLE WITH WHAT I WAS DOING. IT WAS  
14       A VERY DIFFICULT JOB AND FINALLY STARTING TO FEEL LIKE I  
15       COULD DO IT, AND IT JUST GOT TAKEN AWAY.

16                   AND OF COURSE THE LOCAL NEWS WHERE I GREW  
17       UP, THEY CHIMED IN WITH SOME LEVELS OF MISINFORMATION,  
18       STATING THAT BECAUSE OF SELFISHNESS AND GREED I  
19       COMMITTED THE WORST OF SINS FORSAKING MY OATH AS A  
20       PROVIDER, CRIMINAL WITH THE MOST DISGUSTING KIND OF  
21       CHARACTER. EVERYONE I GREW UP WITH, ALL MY PARENTS'  
22       FRIENDS AND COLLEAGUES, EVERYONE HAD TO READ THIS AND  
23       BESIDES THOSE WHO WERE CLOSEST TO ME, EVERYBODY  
24       BASICALLY TOOK AS GOSPEL.

25                   AND NOW OF COURSE GOING FORWARD ANY TIME

1 MY NAME IS GOOGLED, IT WILL FALSELY SAY THAT I AM THE  
2 GUY WHO USED MY JOB TO TRY TO SELL NARCOTICS.

3 YOUR HONOR, IT'S HARD TO ENCAPSULATE NINE  
4 YEARS OF SUFFERING IN JUST A FEW MINUTES. BUT IT'S JUST  
5 KIND OF THE TIP OF THE ICEBERG. I HOPE IT GIVES YOU  
6 SOME SUMMARY OF WHAT THE LAST NINE YEARS HAVE BEEN LIKE  
7 FOR ME.

8 I SPOKE BRIEFLY IN THE LETTER ABOUT THE  
9 LESSONS I HAVE LEARNED. I WANT TO ELABORATE A LITTLE  
10 BIT MORE ON THAT.

11 THE COURT: OKAY.

12 THE DEFENDANT: FOR MOST PROVIDERS  
13 NARCOTIC ABUSE DIVERSION ANE EDUCATION IS REGULATED.  
14 IT'S A TWO HOUR COURSE. EVERY TWO YEARS WE HAVE TO TAKE  
15 CME'S OR CONTINUING MEDICAL EDUCATION. I HAVE TAKEN  
16 THIS COURSE AND I CAN CONFIDENTLY SAY THAT IT'S CURSORY  
17 AND BASIC AT BEST. WHERE FOR SOMEONE LIKE ME IN MY  
18 SITUATION, I CAN HONESTLY TELL YOU THAT THINKING ABOUT  
19 THIS EVERY DAY I FEEL LIKE I HAVE AN EIGHT-YEAR  
20 DOCTORATE ON THE SUBJECT AT THIS POINT. MY DEA LICENSE,  
21 IT WAS NEVER SUSPENDED, BUT I DID LET IT EXPIRE EIGHT  
22 YEARS AGO. NOT THAT I DON'T THINK IT CAN BE USED  
23 RESPONSIBLY IN THE RIGHT SITUATION, YOU KNOW, BUT FOR  
24 OBVIOUS REASONS I HOPE TO REALLY NEVER HAVE TO USE MY  
25 DEA LICENSE AGAIN. OF COURSE, IF I DO GET A JOB WHERE

1 IT'S REQUIRED, I WOULD VENTURE TO SAY THAT I AM PROBABLY  
2 ONE OF THE MOST EDUCATED PEOPLE IN PROPER PRESCRIBING,  
3 AS I UNDERSTAND MORE THAN MOST PROVIDERS THE  
4 CONSEQUENCES OF EVEN THE SMALLEST MISSTEP.

5 ALSO, YOUR HONOR, A MAJOR CHANGE THAT'S  
6 OCCURRED IN MY ATTITUDE AND PERSPECTIVE OVER THE PAST  
7 DECADE HAS BEEN WHAT WAS INITIALLY I WOULD SAY AN  
8 UNWAVERING TRUST IN THE DOCTORS WHO I WAS WORKING FOR  
9 WHEN I FIRST STARTED. I TRULY THOUGHT THESE GUYS --  
10 THESE PEOPLE HAD IT ALL FIGURED OUT. AND I LOOKED TO  
11 THEM WITH COMPLETE REVERENCE WHEN IT CAME TO MEDICINE.  
12 AFTER TEN YEARS OF PRACTICING MEDICINE AND NOT JUST AT  
13 ADVANCED URGENT CARE, BUT IN ALL THE PLACES I WORKED, I  
14 LEARNED THIS IS ANYTHING BUT THE TRUTH.

15 LIKE IN ANY FIELD, YOU HAVE TRUSTWORTHY  
16 CO-WORKERS, LAZY CO-WORKERS, INCOMPETENT CO-WORKERS,  
17 GOOD PEOPLE, BAD PEOPLE, EVERYTHING IN BETWEEN. AND  
18 NEVER AGAIN WILL I TAKE FOLLOWING SOMEONE WITHOUT  
19 RESERVATION SIMPLY BECAUSE THEY HAVE A HIGHER LEVEL OF  
20 EDUCATION OR HAVE THE UNREQUITED RESPECT FROM OTHERS  
21 BECAUSE OF THEIR STATUS OR STATION. I HAVE LEARNED HOW  
22 TO RESPECT THE PERSON AND NOT THE INITIALS ON THEIR  
23 BADGE.

24 FOCUSING MORE ON THE CLINICAL ASPECT OF  
25 MY PROFESSION, I HAVE BEEN CRITICIZED AND RIDICULED AND

1 MOCKED IN THE PAPERS. IN SUMMARY, IT FEELS LIKE I  
2 DEFINITELY DID SOME MISTAKES. I DON'T THINK THERE WILL  
3 EVER BE A TIME THAT I DON'T FEEL THE NEED TO OVERCOME  
4 THESE CRITICISMS. EVERY DAY I THINK ABOUT BEING THE  
5 ANTITHESIS OF WHAT HAS BEEN INSINUATED ABOUT MY  
6 CHARACTER, JUST TO PROVE TO MYSELF, MY COLLEAGUES,  
7 EVERYONE, THAT I DESERVE THIS ROLE AS MUCH AS ANYONE.

8 VERY CLOSE TO MY FAMILY, AND I HAVE A  
9 MOTHER WITH TYPE 1 DIABETES AND MULTIPLE COMORBIDITIES.  
10 MY FATHER WAS RECENTLY DIAGNOSED WITH BONE CANCER. AND  
11 I THINK EVERY DAY NOT ONLY IN MAKING THEM PROUD, BUT OF  
12 BEING A SON WHO CAN MEDICALLY HELP WHENEVER THEY ARE IN  
13 TIME OF NEED. IT'S A SPECIAL GIFT. I CAN'T EVEN PUT  
14 INTO WORDS THE SATISFACTION YOU FEEL WHEN YOU CAN TAKE  
15 CARE OF YOUR PARENTS LIKE THAT IN SUCH A WAY.

16 THE COURT: MAY I SAY, MR. DILLINGER, I  
17 THINK YOU ARE -- YOU CAN'T SEE THEM, BUT I CAN SEE THEM  
18 RIGHT BEHIND YOU. I THINK YOU ARE GIVING YOUR PARENTS A  
19 VERY IMPORTANT GIFT RIGHT NOW.

20 THE DEFENDANT: THANK YOU, YOUR HONOR.

21 THE COURT: ONE OF THE INTERESTING THINGS  
22 THAT I HAVE BEEN BLESSED TO SEE OVER THE YEARS IS TO SEE  
23 HOW IN MANY DIFFERENT FAMILIES IN MANY DIFFERENT  
24 CIRCUMSTANCES INVOLVING MANY DIFFERENT KINDS OF CRIMES  
25 AND PEOPLE, THE TRUTH THAT PARENTS STICK BY THEIR KIDS



1       PRETTY MUCH NO MATTER WHAT.   AND IT JUST IS THE NATURE  
2       OF THE HUMAN CONDITION AND THAT'S WORTH A GREAT DEAL, IT  
3       SEEMS TO ME, BECAUSE IN FACT THERE ARE MANY PEOPLE WHO  
4       SIT IN THAT CHAIR AND HAVE NOBODY SITTING BEHIND THEM.  
5       AND THAT TO ME SEEMS LIKE AN EXTRA PUNISHMENT.   SO I  
6       JUST WANTED YOU TO KNOW THAT ALTHOUGH YOU CAN'T SEE YOUR  
7       PARENTS, I CAN SEE THEM.

8                       THE DEFENDANT:   I APPRECIATE THAT, YOUR  
9       HONOR.   I DO.

10                      THE COURT:   SURE.

11                      THE DEFENDANT:   YEAH.   I MEAN, I TRULY DO  
12       LOVE PRACTICING MEDICINE.   IT'S NOT ONLY SOMETHING THAT  
13       YOU ARE CONSTANTLY LEARNING EVERY DAY, BUT YOU ARE  
14       GETTING TO HELP OTHERS, MANY OF WHOM ARE HAVING THE  
15       WORST DAY OF THEIR YEAR, TO BE ABLE TO DO THIS IS -- I  
16       CAN'T SAY ANYTHING BETTER THAN IT'S NOTHING SHORT OF  
17       JUST GOOD FOR THE SOUL.   YOU FEEL IT EVERY DAY.

18                      FINALLY, JUST THE OVERALL GOALS I PLAN TO  
19       IMPLEMENT AFTER ALL THAT HAS HAPPENED OVER THE PAST NINE  
20       YEARS.   THERE WERE MANY TIMES I COULD NOT GET OUT OF BED  
21       AND FACE ANOTHER DAY, AND I WISH DID HAVE SOME PROFOUND  
22       ADVICE TO HELP OTHERS IN THE FUTURE WHO HAVE BEEN  
23       THROUGH WHAT I'VE BEEN THROUGH, BUT UNFORTUNATELY I DO  
24       NOT.   THE BEST THAT I CAN OFFER, AS CLICHED AS IT  
25       SOUNDS, IS SIMPLY PUTTING ONE FOOT IN FRONT OF THE

1 OTHER. YOU HAVE TO KEEP MOVING, KEEP WORKING, KEEP  
2 EXERCISING, KEEP SERVING THE COMMUNITY, KEEP UP WITH  
3 HOBBIES. YOU DO DO THIS AND SOMETIMES THAT RELENTLESS  
4 ANXIETY DOES GIVE WAY, NOT TO MAYBE HAPPINESS, BUT SOME  
5 BASE LINE EXISTENCE.

6 WHAT THIS EXPERIENCE HAS TAUGHT ME IS  
7 THAT -- IT'S AN OBVIOUS THING I THINK TO KNOW, BUT YOU  
8 KNOW TO REALLY BE ABLE TO VISCERALLY PUT IT INTO  
9 PERSPECTIVE I THINK SOMETIMES YOU HAVE TO GO THROUGH  
10 SOMETHING TRAUMATIC TO REALLY UNDERSTAND WHAT IT MEANS  
11 TO BE A GOOD PERSON. AND THEN JUST THINKING OR KNOWING  
12 THAT YOU ARE A GOOD PERSON IS NOT ENOUGH. IT'S YOUR  
13 ACTIONS THAT DO COUNT. AND I'VE KEPT THIS IN MIND FOR  
14 MANY YEARS NOW, TRY TO MAKE IT A POINT TO BENEFIT OTHERS  
15 AS MUCH AS I CAN. I TRY TO APPLY THE SAME DISCIPLINE TO  
16 THAT AS I DO TO SAY GOING TO THE GYM OR NEVER MISSING A  
17 DAY OF WORK. IT'S SOMETHING I THINK ABOUT ALL THE TIME.  
18 IT COULD BE SOMETHING AS -- SUCH AS HAVING AN  
19 UNCOMFORTABLE CONVERSATION WITH A CO-WORKER, A FAMILY  
20 MEMBER OR A PATIENT WHO I KNOW COULD BENEFIT FROM A  
21 LITTLE BIT OF EXTRA EFFORT. TAKING THE EXTRA STEP TO  
22 HELP A CO-WORKER OR STANDING IN FRONT OF A CLASS OF  
23 MEDICAL STUDENTS AND TELLING THEM MY STORY. BECAUSE I  
24 FEEL AS IF SOMEBODY HAD DONE THAT FOR ME, THERE'S A GOOD  
25 CHANCE I WOULD NOT BE IN THIS SITUATION.

1 TO THAT END I HAVE BEEN WRITING A BOOK  
2 THAT -- CLOSE TO 300 PAGES. IT'S ALMOST DONE. AND AT  
3 THIS POINT OF COURSE, JUST KIND OF WAITING TO SEE HOW  
4 THE STORY ENDS.

5 FINALLY, YOUR HONOR, I KNOW I MENTIONED  
6 IT IN MY LETTER, BUT I JUST WANT TO REITERATE ONE MORE  
7 TIME THE REMORSE I FEEL, MY ACTIONS. BEING SORRY WILL  
8 NEVER BE ENOUGH. SOMETIMES WE ACTUALLY HAVE TO CHANGE,  
9 AND I AM CONFIDENT THAT IN MY CASE, THE REMORSE I FEEL  
10 WILL NOW AND FOREVER BEGET REFORM AND GROWTH.

11 THANKS AGAIN FOR HEARING ME SPEAK. I  
12 HOPE IT WASN'T TOO MUCH. IT'S BEEN A LONG NINE YEARS  
13 AND I DID MY BEST TO CONDENSE MY TRUTHFUL THOUGHTS AND  
14 HOPES FOR THE FUTURE.

15 THANK YOU VERY MUCH.

16 THE COURT: YOU ARE CERTAINLY WELCOME.

17 BY THE COURT:

18 Q. WHAT IS THE NEXT STEP YOU SEE IN YOUR LIFE?

19 A. WELL, AT MY JOB I HAVE A POSSIBILITY OF MAYBE  
20 GETTING MORE OF A LEADERSHIP ROLE. IF I CAN START GOING  
21 TO WORK AND EVERY DAY BEING A LITTLE BIT MORE OF THE  
22 PERSON I WAS TEN YEARS AGO, ALONG WITH THE KNOWLEDGE  
23 THAT I HAVE NOW I THINK THAT'S --

24 Q. DO YOU REMEMBER HOW TO BE THAT PERSON?

25 A. I THINK I DO. I THINK IT WILL COME BACK TO ME,

1 ESPECIALLY WITH THE PERSPECTIVE THAT I HAVE NOW,  
2 PERSPECTIVE THAT MOST PEOPLE -- THERE ARE A LOT OF  
3 PEOPLE IN THIS WORLD WHO WILL NEVER HAVE, OF WHAT LIFE  
4 CAN BE AND HOW GRATEFUL YOU SHOULD BE FOR THE OTHER  
5 TIMES WHEN THINGS LIKE THIS ARE NOT GOING ON.

6 ALSO, I SPENT A GOOD AMOUNT OF MONEY ON  
7 MAYBE STARTING UP A PODCAST. I DON'T REALLY HAVE A FIRM  
8 IDEA OF WHAT IT'S GOING TO BE TALKING ABOUT NEXT, BUT  
9 THIS -- SOME PART OF THIS WILL PROBABLY BE INVOLVED IN  
10 IT, SOME PARTS OF MEDICINE, OTHER IDEAS THAT I HAVE WITH  
11 FRIENDS AND IT'S SOMETHING I AM PRETTY EXCITED ABOUT.  
12 AND YEAH, I KNOW I AM MAYBE GETTING UP THERE A LITTLE  
13 BIT IN AGE, SO SOME WILL SAY, BUT I'M TRYING TO KEEP  
14 MYSELF YOUNG. SO I DO STILL HAVE ASPIRATIONS OF HAVING  
15 A FAMILY, AT LEAST ONE KID, YOU KNOW, IF NOT MORE. BUT  
16 THIS HAS ALWAYS BEEN SOMETHING THAT I HAVE WANTED. AND  
17 YEAH, KEEP PRACTICING MEDICINE.

18 Q. THERE IS AN ORDERLY PROGRESS TO THAT SORT OF  
19 GOAL, STEP BY STEP.

20 A. YES, NO DOUBT, YOUR HONOR. I AM LOOKING FORWARD  
21 TO CONTINUING GETTING BETTER, BEING A BETTER PROVIDER.

22 Q. YOU SAID YOU STAND IN FRONT OF STUDENTS AND TELL  
23 YOUR STORY. WHAT IS IT YOU TELL THEM?

24 A. NO. NO. SO MY HOPE HAS BEEN THAT I WOULD WRITE  
25 THIS BOOK -- I STARTED WRITING. IT WAS KIND OF MORE OF

1 A THERAPEUTIC THING AFTER EVERYTHING FIRST HAPPENED. IT  
2 KIND OF MANIFESTED AND ALL OF A SUDDEN TURNED INTO THIS  
3 300-PAGE MANUSCRIPT. I AM NOT A WRITER PER SE, BUT I  
4 HAVE TALKED TO GHOST WRITERS, GONE TO CONFERENCES AND SO  
5 FORTH, TRYING TO TELL THEM WHAT MY STORY HAS BEEN LIKE.  
6 AND PEOPLE THINK I MAYBE HAVE SOMETHING THERE. I FEEL  
7 THAT IF I WAS ABLE TO HAVE THE DISCIPLINE AND THE  
8 FORTITUDE TO FINISH THAT, IT WOULD GIVE ME THE  
9 CREDIBILITY TO GO TO P.A. SCHOOLS, TO GO TO MEDICAL  
10 SCHOOLS IN THE AREA AND YOU KNOW SPEAK IN FRONT OF  
11 PEOPLE IN CLASSROOMS. THIS IS SOMETHING THAT I WOULD  
12 REALLY, REALLY TRULY LOVE TO DO. AND TAKE IT ONE STEP  
13 FURTHER, I DON'T KNOW, GOING TO CONFERENCES OR SOMETHING  
14 TO -- SO THE PEOPLE CAN GET A LITTLE BIT OF A DIFFERENT  
15 PERSPECTIVE ON WHAT IS GOING ON WITH THIS OPIOID CRISIS,  
16 THE DIFFERENT ANGLES, THE DIFFERENT PLACES. THERE IS  
17 OBVIOUSLY THE VICTIMS. THERE IS THE BAD PLAYERS. THERE  
18 IS I GUESS THE ONES IN BETWEEN. AND I THINK I HAVE A  
19 PRETTY INTERESTING STORY TO TELL. I REALLY DO.

20 Q. WHAT SHOULD SOMEBODY IN YOUR POSITION GOING TO  
21 WORK AT A FACILITY LIKE URGENT CARE WHERE YOU WERE  
22 WORKING -- HOW COULD SOMEBODY IN YOUR POSITION RESIST  
23 GETTING INVOLVED IN THE CONDUCT THAT GOT YOU IN TROUBLE?

24 A. I GUESS THAT QUESTION IS -- THEY KNOWING WHAT  
25 THEY -- LIKE BEING I GUESS AS GREEN AS ONE WOULD BE

1 GOING INTO THAT, NOT NECESSARILY --

2 Q. HOW DO YOU ATTUNE YOURSELF TO KNOW WHEN YOU ARE  
3 BEING USED AND ABUSED BY SUPERIORS?

4 A. I THINK I WAS KIND OF SAYING IN MY LETTER WHEN I  
5 WAS SAYING I WISH I KIND HAD THE STRENGTH TO STAND UP  
6 FOR MYSELF A LITTLE MORE, NOT BE SO AGREEABLE. IT WAS  
7 -- AS I MENTIONED, THE FIRST COUPLE OF SHIFTS I DIDN'T  
8 REALLY HAVE ANY RESERVATIONS. AND THEN THE LAST COUPLE  
9 I DID. AND I CONTINUED DEALING WITH THOSE RESERVATIONS.  
10 SO I WOULD HONESTLY -- ANY ADVICE I GIVE SOMEBODY THAT  
11 WAS THAT GREEN IS THAT NO MATTER WHAT, YOU HAVE TO STAND  
12 UP FOR YOURSELF.

13 Q. WHAT WOULD YOU DO TO STAND UP FOR YOURSELF?

14 A. YOU LITERALLY HAVE TO GO TO YOUR SUPERIORS AND  
15 TELL THEM THAT THIS IS SOMETHING THAT YOU ARE NOT  
16 COMFORTABLE DOING AND THIS IS EXACTLY WHY. AND WHATEVER  
17 THE CONSEQUENCES MAY BE, TO THEM, IT IS WHAT IT IS. BUT  
18 YOU HAVE TO GO TO YOUR SUPERIORS AND YOU HAVE TO LET  
19 THEM KNOW. AND YOU HAVE TO LET THEM KNOW SOONER RATHER  
20 THAN LATER, NOT AFTER YOU'RE FEELING UNCOMFORTABLE. AS  
21 SOON AS THE SMALLEST TWINGE THAT SOMETHING IS AWRY HERE,  
22 IT HAS TO BE STOPPED. YOU HAVE TO GO TO THOSE PEOPLE  
23 AND YOU HAVE TO TELL THEM SOMETHING IS NOT RIGHT. I  
24 DON'T KNOW WHAT. AND 'TIL THIS DAY I'M STILL -- I HEAR  
25 DIFFERENT ACCOUNTS OF WHAT WAS GOING ON WITH CAMPBELL

1       AND HIS ASSISTANT. I JUST KNEW SOMETHING WAS WRONG.  
2       AND MY ADVICE WOULD BE IS THAT THE MOMENT THAT YOU FEEL  
3       SOMETHING IS WRONG, NO MATTER THE RELATIONSHIP YOU HAVE  
4       WITH THAT PERSON, ESPECIALLY IN AN ENVIRONMENT LIKE THAT  
5       -- ESPECIALLY IN AN ENVIRONMENT LIKE THAT, YOU NEED TO  
6       TAKE THE MEASURE TO TALK TO YOUR SUPERIORS IMMEDIATELY  
7       TO TELL THEM THAT THIS IS NOT GOING TO HAPPEN, NOT FOR  
8       ANOTHER SECOND, NOT FOR ANOTHER DAY, NOT FOR ANOTHER  
9       SHIFT, NOT FOR ONE MORE MOMENT.

10               THE COURT: I WILL TELL YOU WHAT. AFTER  
11       I HEAR FROM THE GOVERNMENT'S COUNSEL, THEY ARE GOING TO  
12       MAKE A MOTION AND I'M SURE YOU ARE FAMILIAR WITH IT, BUT  
13       IF THERE IS MORE THAT YOU WANT TO SAY, THAT WOULD BE  
14       FINE. JUST LET ME KNOW.

15               THE DEFENDANT: OKAY. THANK YOU.

16               THE COURT: MR. PARISI.

17               MR. PARISI: THANK YOU, YOUR HONOR.

18               YOUR HONOR, WITH REGARDS TO THE 5K  
19       MOTION, I KNOW I LAID IT OUT IN THE MEMO. BUT JUST TO  
20       HIGHLIGHT THE DEFENDANT'S PROFFER WITH THE GOVERNMENT ON  
21       MULTIPLE OCCASIONS AND THE TANGIBLE VALUE OF HIS  
22       COOPERATION WAS TWO PARTS: ONE THAT EXPLAINED THE  
23       SCHEME TO PRESIGN PRESCRIPTIONS FOR HIGHLAND CAMPBELL;  
24       AND TYING DR. NIKPARVAR-FARD TO THAT AS THE PERSON WHO  
25       DIRECTED IT AND ORCHESTRATED IT. AND ALSO THE DEFENDANT

1 WOULD CERTAINLY HAVE CORROBORATED THE TESTIMONY OF  
2 HIGHLAND CAMPBELL AND OTHER PEOPLE INVOLVED IN THAT  
3 SCHEME. THIS INTANGIBLE BENEFIT WAS THE TIMING. WHILE  
4 THE DEFENDANT WAS THE LAST PERSON TO ENTER A PLEA IN  
5 THIS CASE, THAT PLEA CAME AT A TIME WHEN NIKPARVAR-FARD  
6 WAS CONSIDERING WHETHER OR NOT HE SHOULD GO TO TRIAL.  
7 IT WAS A FEW WEEKS IN THE LEAD UP. AND WE WILL NEVER  
8 KNOW FOR SURE, BUT IT CERTAINLY FELT LIKE AT THE TIME  
9 THE DEFENDANT'S DECISION TO PLEAD WAS MAYBE THE FINAL  
10 NAIL IN THE COFFIN TO GET NIKPARVAR-FARD TO SEE THE  
11 LIGHT THAT THIS WAS NOT GOING TO GO WELL, AS MUCH AS HE  
12 COULD NOT SEE THE LIGHT IN THAT CIRCUMSTANCE. BUT IT  
13 DID FEEL LIKE THERE WAS SOME MOMENTUM GAINED FROM THE  
14 DEFENDANT'S PLEA, THE TIMING OF IT.

15 SO FOR THOSE REASONS AND THE REASONS IN  
16 MY MOTION, I WOULD ASK THAT YOU GRANT THE GOVERNMENT'S  
17 MOTION FOR A 5K DOWNWARD DEPARTURE, AND I'M HAPPY TO  
18 MOVE ON TO THE SENTENCING ASPECT.

19 THE COURT: GO AHEAD.

20 MR. PARISI: THANK YOU, YOUR HONOR.

21 MR. FUSCHINO, I ECHO I THINK NEARLY  
22 EVERYTHING HE SAID, SPECIFICALLY THE DEFENDANT IS THE  
23 LEAST CULPABLE MEMBER OF THIS CONSPIRACY. HE WAS A  
24 RELATIVE NEWCOMER TO BOTH THE PRACTICE AND THE  
25 CONSPIRACY. AND NOT ONLY WAS THIS HIS FIRST JOB OUT OF



1 SCHOOL, BUT HE WAS ULTIMATELY SUPERVISED BY HIS  
2 CO-DEFENDANTS IN THIS CASE. HE HAS NO PRIOR CONTACT  
3 WITH LAW ENFORCEMENT. AND NINE YEARS WITH FIVE YEARS  
4 UNDER SUPERVISION IS SUBSTANTIAL, AND HE HAS HAD NO  
5 INCIDENTS THAT I AM AWARE OF DURING THAT TIME. I KNOW  
6 HE IS WORKING HARD TO KEEP HIS LICENSE, BUT I SUSPECT HE  
7 WILL LIKELY LOSE IT AT LEAST FOR A PERIOD OF TIME ONCE  
8 THE JUDGMENT BECOMES FINAL IN THIS CASE.

9 THE COURT: IS THERE A WAY TO AMELIORATE  
10 THAT, DO YOU KNOW?

11 MR. PARISI: YOUR HONOR, I DON'T KNOW.  
12 THAT'S SOMETHING ULTIMATELY THE BOARD WILL DECIDE. I'M  
13 SURE THEY WILL LOOK AT WHATEVER INFORMATION THE  
14 DEFENDANT HAS TO SUBMIT AND HIS CONDUCT AND THE TIMES  
15 SINCE THIS ALL BEGAN. BUT ULTIMATELY A JUDGMENT FOR  
16 CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE SOUNDS  
17 LIKE SOMETHING THAT IS PROBABLY GOING TO RESULT IN AT  
18 LEAST A TEMPORARY REVOCATION. BUT THAT'S ULTIMATELY  
19 BETWEEN HIM AND THE BOARD. I THINK THAT'S A REALISTIC  
20 OUTCOME HERE AND CERTAINLY SHOULD BE CONSIDERED BY THE  
21 COURT.

22 IN THAT SENSE IT'S VERY DIFFICULT FOR THE  
23 DEFENDANT TO EVER COMMIT A CRIME LIKE THIS AGAIN. SO I  
24 DON'T THINK THERE IS MUCH VALUE IN SPECIFIC DETERRENCE  
25 HERE. ULTIMATELY I THINK THE ONE FACTOR THAT DOES

1       POTENTIALLY CALL FOR A PERIOD OF INCARCERATION IS THE  
2       NEED TO PUNISH THE DEFENDANT FOR HIS CRIMES.   AND AGAIN  
3       LOOKING AT THIS CASE, HIS INVOLVEMENT IN IT, WHAT HE HAS  
4       DONE SINCE, I'M NOT SURE THAT PUNISHING THIS DEFENDANT  
5       WITH INCARCERATION SERVES MUCH PURPOSE IN THE SCHEME OF  
6       THINGS.   HIS RELATIVE LACK OF CULPABILITY, HIS  
7       COOPERATION I THINK SPEAK TO HIS EFFORTS TO FIX HIS  
8       ERRORS AND HIS CRIMES AND TRY TO DO GOOD GOING FORWARD.

9                       SO WE -- I EQUIVOCATED SOMEWHAT IN MY  
10       MEMO, I RECOGNIZE.   BUT I DON'T KNOW THAT JAIL IS  
11       APPROPRIATE IN THIS CASE.   SO I'D ASK THE COURT FOR A  
12       PERIOD OF SUPERVISION, JUST TO MAKE SURE THE DEFENDANT  
13       STAYS ON THE STRAIGHT AND NARROW AND SEE WHERE HE GOES  
14       FROM THERE.

15                      THE COURT:   OKAY.   THANK YOU.

16                      ANYTHING MORE, EITHER MR. FUSCHINO OR MR.  
17       DILLINGER?

18                      MR. FUSCHINO:   NOTHING, YOUR HONOR.

19                      THE DEFENDANT:   NOTHING, YOUR HONOR.

20       THANK YOU VERY MUCH.

21                      THE COURT:   WELL, I HAVE A COUPLE OF  
22       OBSERVATIONS TO MAKE.   AND BEFORE I FORGET, I DO WANT  
23       THE RECORD TO REFLECT FOR WHATEVER USE YOU CAN PUT IT  
24       THAT IN THE COURT'S VIEW, THERE SHOULD BE SOME SPECIAL  
25       ATTENTION GIVEN TO THE FACT THAT PERHAPS MR. DILLINGER

1 DOES NOT NEED TO LOSE HIS LICENSE. AND I SAY THAT  
2 BECAUSE IT IS VERY OBVIOUS TO ME THAT WE ARE DEALING  
3 WITH A MAN WITH A CONSCIENCE. AND SADLY THAT SEEMS TO  
4 BE RARER AND RARER. AND I THINK AS A RESULT THEN, IT  
5 SHOULD BE VERY UP HIGH IN THE LIST OF THINGS EVALUATED  
6 AS TO WHAT IS NECESSARY, WHAT IS APPROPRIATE, WHAT HAS  
7 BEEN SUFFERED, WHAT HAS BEEN -- WHAT LESSONS HAVE BEEN  
8 LEARNED AND SOMETHING MORE THAN JUST A -- MY LANGUAGE, A  
9 COOKIE-CUTTER RESPONSE TO SITUATIONS.

10 I RECOGNIZE AND THERE IS NO QUESTION THAT  
11 BECOMING INVOLVED IN ANY PART OF THE PROCESS OF  
12 CIRCULATING OR MAKING AVAILABLE OR NOT BEING ATTENTIVE  
13 TO THE DISTRIBUTION OF ANY KIND OF A CONTROLLED  
14 SUBSTANCE IS A VERY IMPORTANT PROBLEM, AND ONE THAT  
15 NEEDS TO BE RESPONDED TO. BUT I WILL SAY THAT FOR A MAN  
16 WITH A CONSCIENCE, ANYBODY WITH A CONSCIENCE, TO HAVE  
17 THIS SORT OF DAMOCLES HANGING OVER ONE FOR SO LONG IS A  
18 -- IT'S ALMOST UNQUANTIFIABLE. I DON'T KNOW QUITE HOW  
19 TO SAY THAT, BUT I KNOW THAT I CAN PERCEIVE THAT IT HAS  
20 NOT GONE WASTED ON MR. DILLINGER. I DON'T THINK HE IS  
21 JUST SELLING ME A BILL OF GOODS WHEN HE TALKS ABOUT HOW  
22 TOUGH IT IS TO GET UP IN THE MORNING AND TO LIVE WITH  
23 THIS.

24 AND SO I THINK, FRANKLY, THAT THAT SHOULD  
25 BE GIVEN A GREAT DEAL OF CREDIT. AND I IMAGINE THAT

1       THERE IS A LOT OF INTERVIEWING THAT CAN GO ON AND I HOPE  
2       THAT YOU WILL JUST TAKE THE COURT REPORTER'S NOTES AND  
3       YOU MAY USE THE COURT'S OBSERVATIONS AS YOU SEE FIT IN  
4       THAT REGARD.

5                   I'M GRANTING THE MOTION, OBVIOUSLY, FROM  
6       THE GOVERNMENT, SIGNED OFF ON THE ORDER ALL OF THE  
7       ELEMENTS THAT TRIGGER AN APPROPRIATE USE OF SECTION  
8       5K1.1 OF THE GUIDELINES WHICH SEEM TO BE IN PLACE HERE.  
9       CONSEQUENTLY, THE ORDER HAS BEEN SIGNED AND THE DOWNWARD  
10      VARIANCE OR DEPARTURE IS VERY MUCH IN OPERATION HERE.

11                   I WILL MAKE THE ADDITIONAL OBSERVATION  
12      THAT GIVEN MR. DILLINGER'S HISTORY AND THE WAY THAT THE  
13      GUIDELINES CAN WORK HERE, THE FACT THAT HE STARTS OUT AS  
14      A, QUOTE, ZERO POINT OFFENDER IS A GOOD PLACE TO START.  
15      THE RANGE FROM THE SENTENCING GUIDELINES IS NOT  
16      INACCURATE. THERE WAS A COOPERATION AGREEMENT ENTERED  
17      INTO. THE GOVERNMENT'S MOTION FOR A DOWNWARD DEPARTURE  
18      HAS BEEN GRANTED. MR. DILLINGER WAS PART OF THIS SORRY  
19      EVENT FOR A RELATIVELY SHORT PERIOD OF TIME. HE  
20      REPORTED DIRECTLY TO ONE OF THE BAD ACTORS IN THIS CASE.  
21      HE HIMSELF HAS NO CRIMINAL HISTORY. HE DID AGREE TO  
22      TESTIFY AGAINST THE OTHER CO-CONSPIRATORS. THERE HAS  
23      BEEN A RECOMMENDATION FROM THE PROBATION OFFICE FOR A  
24      SIGNIFICANT DOWNWARD MOVEMENT, ULTIMATELY TAKING YOU,  
25      MR. DILLINGER, TO BASICALLY WHAT WE CALL A ZONE A

1       GUIDELINE TERM -- GUIDELINE PERIOD OF TIME, WHICH WOULD  
2       CALL FOR A PERIOD OF IMPRISONMENT OF BETWEEN ZERO AND  
3       6 MONTHS. SO THAT'S KIND OF WHERE I AM COMING FROM.

4               I AM TAKING INTO ACCOUNT ALL OF THE  
5       FACTORS THAT THE STATUTE TELLS ME TO. I HAVE SAID OFTEN  
6       ENOUGH THAT DETERMINING HOW TO SENTENCE A FELLOW HUMAN  
7       BEING IS VERY DIFFICULT. AND INDEED IT SHOULD BE.  
8       THERE ARE ALL TOO MANY OPPORTUNITIES FOR THE PUBLIC TO  
9       THINK THIS IS JUST A NUMBERS CRUNCHING ACTIVITY. BUT IN  
10      FACT IT IS NOT, AND I'M NOT VERY KEEN ON THAT ANYWAY.

11             THE GOALS OF SENTENCING REALLY ARE THE  
12      IDEA THAT THE COMMUNITY HAS THE POWER AND OBLIGATION TO  
13      PUNISH PEOPLE. I HAVE ALREADY SAID THAT I THINK THAT  
14      YOU HAVE BEEN PUNISHED A GREAT DEAL SO THAT THAT GOAL  
15      HAS IN MY VIEW BEEN SATISFIED.

16             DETERRENCE. I DON'T KNOW THAT THERE IS  
17      NEED TO DETER YOU. SO THAT SPECIFIC DETERRENCE IS NOT  
18      MUCH OF A GOAL. AND THE IDEA OF DETERRING OTHER PEOPLE  
19      WHO WOULD BE IN YOUR POSITION, I THINK THE FACT THAT YOU  
20      HAVE BEEN THE SUBJECT OF PROSECUTION FOR A VERY LONG  
21      TIME, THAT THE OTHERS IN THIS CONSPIRACY HAVE LIKEWISE  
22      BEEN PROSECUTED, IT'S BEEN -- THERE HAS BEEN SOME  
23      NOTORIETY ALREADY WITH RESPECT TO THIS CASE. SO  
24      HOPEFULLY OTHER PEOPLE ARE DETERRED FROM FOLLOWING YOUR  
25      EXAMPLE OR THE EXAMPLE OF OTHERS.

1                   YOUR CAPACITY TO COMMIT A CRIME IN THE  
2                   FUTURE, THAT IS NOT GOING TO BE UP TO ME. AS I SAID, I  
3                   UNDERSTAND IT, IF THE LICENSING PEOPLE WHO DO WANT TO  
4                   RESTRICT YOUR VOCATIONAL OPPORTUNITIES FOR A BIT, I  
5                   THINK IN YOUR CASE IT'S NOT NECESSARY, FRANKLY. BUT  
6                   THEY ARE IN CHARGE OF THAT.

7                   SO DECIDING WHICH OF THESE GOALS IS THE  
8                   MOST IMPORTANT HERE, I THINK THE GOALS OF SENTENCING  
9                   HAVE ALREADY BEEN ACHIEVED PRETTY MUCH IN YOUR CASE.  
10                  YOU ARE RESPONSIBLE FOR MUCH OF WHAT YOU HAVE SUFFERED.  
11                  IN THIS CASE, THE FACT THAT YOU HAVE ACTUALLY BEEN UNDER  
12                  THE MICROSCOPE FOR SO LONG IS AS MUCH A PRODUCT OF THIS  
13                  PECULIAR CASE AS ANYTHING ELSE. I'M NOT THAT FOND OF  
14                  SENTENCING IN CASES WHERE IT GOES BACK SO MANY YEARS. I  
15                  THINK THAT THERE IS MUCH MORE TO BE GAINED FROM SWIFTER  
16                  JUDICIAL RESPONSE, BUT YOU CAN'T ALWAYS HAVE AN IDEAL  
17                  SITUATION.

18                  SO IT'S MY INTENTION, FRANKLY, BECAUSE I  
19                  DO BELIEVE IT SERVES ALL THE PURPOSES OF SENTENCING, IT  
20                  REFLECTS YOUR HISTORY, YOUR CHARACTERISTICS, YOUR  
21                  GENERAL ATTITUDE, THE NEED TO IMPOSE A SENTENCE THAT IS  
22                  TAILORED TO YOU, TO RECOGNIZE -- THERE ARE A NUMBER OF  
23                  OPTIONS THAT I HAVE HERE.

24                  I'M GOING TO ADD A COMMUNITY SERVICE  
25                  ELEMENT TO YOUR SENTENCE FOR YOU TO DO SOME ADDITIONAL

1 COMMUNITY SERVICE FOR YOU TO WORK OUT WITH YOUR  
2 PROBATION OFFICE, BUT IT'S MY INTENTION -- ESPECIALLY  
3 GIVEN THE GOVERNMENT'S MOTION, IT'S MY INTENTION TO  
4 IMPOSE A TWO-YEAR PERIOD OF PROBATION, AS WELL AS A  
5 \$1,000 FINE. THE PROBATION WILL INCLUDE AN OBLIGATION  
6 FOR YOU TO SERVE 75 HOURS PER YEAR IN COMMUNITY SERVICE.  
7 THAT'S MY INTENTION. I BELIEVE THAT NOTHING WOULD BE  
8 SERVED BY INCARCERATION HERE. AND THAT IS WHERE I AM  
9 COMING FROM.

10 DOES ANYBODY KNOW OF ANY REASON THAT THIS  
11 PROPOSED SENTENCE SHOULD NOT BE IMPOSED?

12 MR. PARISI: NO, YOUR HONOR.

13 MR. FUSCHINO: NO, MA'AM.

14 THE COURT: MR. PETRARCA.

15 THE PROBATION OFFICER: NO, YOUR HONOR.

16 THE COURT: WHY DON'T YOU STAND UP NOW.

17 PURSUANT TO THE SENTENCING REFORM ACT OF  
18 1984, IT IS THE JUDGMENT OF THE COURT THAT THE DEFENDANT  
19 JASON DILLINGER IS HEREBY PLACED ON PROBATION FOR A TERM  
20 OF TWO YEARS. WHILE YOU ARE ON PROBATION, YOU MUST NOT  
21 COMMIT ANY OTHER FEDERAL, STATE OR LOCAL CRIME. YOU ARE  
22 PROHIBITED FROM POSSESSING ANY FIREARM, NO GUNS, AND YOU  
23 MUST NOT POSSESS ANY ILLEGAL CONTROLLED SUBSTANCES. YOU  
24 MUST SUBMIT TO THE COLLECTION OF A DNA SAMPLE, AND YOU  
25 WILL HAVE TO COMPLY WITH THE OTHER STANDARD CONDITIONS

1        THAT HAVE BEEN -- THAT ARE IN PLACE IN THIS COURT.  
2        THERE ARE 13 OF THESE STANDARD CONDITIONS, WHICH YOU  
3        WILL BE GIVEN IN WRITING, SIR, TO READ ON YOUR OWN IF  
4        YOU WOULD LIKE. I COULD READ THEM TO YOU NOW, IF YOU  
5        WOULD LIKE TO HEAR THEM FROM ME, BUT THEY ARE PRETTY  
6        CLEAR WHEN YOU READ THEM ON YOUR OWN.

7                        IS THAT OKAY?

8                        THE DEFENDANT: THAT'S FINE.

9                        THE COURT: TO THE EXTENT THAT THEY  
10       OPERATE TO SOMEWHAT RESTRICT YOUR MOVEMENT AND YOUR  
11       FREEDOM WHILE YOU ARE ON PROBATION, I ASSURE YOU THOSE  
12       RESTRICTIONS ARE NO GREATER THAN ARE APPROPRIATE AND ARE  
13       QUITE NATURAL UNDER THE CIRCUMSTANCES.

14                        IN ADDITION, ONCE AGAIN YOU MUST NOT GET  
15       INVOLVED WITH POSSESSING ANY ILLEGAL CONTROLLED  
16       SUBSTANCES. YOU WILL BE REQUIRED TO SUBMIT TO  
17       URINALYSIS AND OTHER FORMS OF TESTING TO MAKE SURE THAT  
18       YOU YOURSELF ARE NOT USING DRUGS.

19                        IS THERE STILL SOME NEED TO HAVE YOU IN  
20       SOME KIND OF ADDICTION TREATMENT PROGRAM?

21                        THE DEFENDANT: NO.

22                        THE COURT: OKAY. YOU WILL BE REQUIRED  
23       TO PROVIDE THE PROBATION OFFICE WITH A FULL DISCLOSURE  
24       OF YOUR FINANCIAL RECORDS AND THAT WOULD INCLUDE YEARLY  
25       INCOME TAX RETURNS IF REQUESTED. AND THE PROBATION



1 OFFICER MAY PERIODICALLY WANT TO INVESTIGATE YOUR  
2 FINANCIAL SITUATION, INCOME, EXPENSES, THINGS OF THAT  
3 SORT, AND YOU WILL BE REQUIRED TO PROVIDE ACCURATE,  
4 TRUTHFUL INFORMATION.

5 AS I SAID, I AM IMPOSING A \$1,000 FINE  
6 AND SO YOU ARE -- AND THAT'S GOING TO BE DUE  
7 IMMEDIATELY. YOU ARE PROHIBITED FROM INCURRING ANY NEW  
8 CREDIT CHARGES OR OPENING UP ANY ADDITIONAL LINES OF  
9 CREDIT OR SELLING ANYTHING UNLESS IT IS TO SERVE THE  
10 PURPOSE OF PAYING OFF THE 100 -- THE \$1,000 FEE, THE  
11 FINE. ONCE THAT IS PAID, YOU CAN DO WHATEVER YOU WOULD  
12 LIKE WITH FINANCES. BUT I THINK THAT YOU LACK THE  
13 ABILITY TO PAY A FINE IN THE GREATER AMOUNT THAT WOULD  
14 BE CALLED FOR UNDER THE GUIDELINE SYSTEM.

15 I'M NOT GOING TO PROHIBIT YOU FROM  
16 BECOMING -- FROM REMAINING INVOLVED IN THE HEALTHCARE  
17 WORLD WHILE YOU ARE ON PROBATION. BUT YOU ARE GOING TO  
18 BE CAREFULLY MONITORED AND WATCHED. AND AS I SAID, IT  
19 MAY BE UP TO THE LICENSING AUTHORITIES WHETHER YOU CAN  
20 CONTINUE TO WORK AT LEAST DURING THE PROBATION -- PERIOD  
21 OF PROBATION WHETHER YOU CAN WORK IN THAT INDUSTRY OR  
22 NOT. I FEEL THAT YOU MAY HAVE MORE TO OFFER AS A  
23 CAUTIONARY TALE TO OTHERS BY BEING INVOLVED IN THE  
24 INDUSTRY, BUT RECOGNIZING YOU NEED TO BE CAREFULLY  
25 MONITORED FOR A PERIOD OF TIME.

1                   GOING BACK TO THE FINE, AS I SAID, IT'S  
2           DUE RIGHT AWAY. IF YOU HAVE NOT PAID IT WITHIN 30 DAYS  
3           OF TODAY'S DATE, THEN YOU WILL BE OBLIGED TO MAKE  
4           INSTALLMENT PAYMENTS OF NO LESS THAN \$200 A MONTH UNTIL  
5           IT HAS BEEN PAID OFF. I WILL WAIVE ANY INTEREST IN THIS  
6           CASE, BUT YOU ALSO, BY THE WAY, HAVE TO PAY TO THE  
7           UNITED STATES A NEVER-TO-BE-WAIVED \$100 SPECIAL  
8           ASSESSMENT. SO YOUR TOTAL DOLLAR OBLIGATION IS \$1,100.  
9           AND WHILE THAT REMAINS UNPAID, YOU NEED TO STAY IN TOUCH  
10          WITH THE U.S. ATTORNEY'S OFFICE HERE SO THEY KNOW WHERE  
11          TO FIND YOU IF YOU HAVE NOT PAID OFF THE FINE AND THE  
12          SPECIAL ASSESSMENT.

13                   OKAY. YOU CAN NOW SIT DOWN.

14                   THERE IS -- AND THE 75 HOURS OF COMMUNITY  
15          SERVICE TO BE WORKED OUT WITH YOUR PROBATION OFFICER  
16          WHERE THAT WOULD BE APPROPRIATE. SO IT'S AN AGGREGATE  
17          OF 150 HOURS OF COMMUNITY SERVICE.

18                   ALL RIGHT. YOU'VE GOT THE RIGHT TO  
19          APPEAL CERTAIN THINGS. YOU CAN APPEAL YOUR GUILTY PLEA  
20          IF YOU THINK IT WAS SOMEHOW NOT VOLUNTARY OR NOT LAWFUL,  
21          OR YOU THINK THERE IS SOME OTHER DEFECT INVOLVED. YOU  
22          ALSO HAVE A STATUTORY RIGHT TO APPEAL THIS SENTENCE IF  
23          FOR SOME REASON YOU THINK IT'S NOT LAWFUL. AND YOU HAVE  
24          THE RIGHT TO APPLY FOR LEAVE TO APPEAL IN FORMA  
25          PAUPERIS, MEANING THAT YOU DON'T HAVE ENOUGH MONEY TO

1 FILE THE PAPERS FOR AN APPEAL. AND IF YOU FILED FOR  
2 THAT STATUS, THEN YOU CAN -- THE CLERK WILL FILE A  
3 NOTICE OF APPEAL AT YOUR REQUEST.

4 WHAT YOU NEED TO KNOW THOUGH, SIR, IS  
5 THAT FOR ANY APPEAL TO BE EFFECTIVE, IT HAS TO BE FILED  
6 WITHIN 14 DAYS OF TODAY'S DATE. IF YOU WAIT MORE THAN  
7 THE TWO WEEKS, THERE WON'T BE ANY APPEAL OF EITHER YOUR  
8 GUILTY PLEA OR THE COURT'S SENTENCE.

9 DO YOU UNDERSTAND ALL OF THAT?

10 THE DEFENDANT: I UNDERSTAND, YOUR HONOR.

11 THE COURT: DO YOU HAVE ANY QUESTIONS  
12 ABOUT WHAT WE TALKED ABOUT TODAY?

13 THE DEFENDANT: NO, YOUR HONOR.

14 THE COURT: YOU DO OWE ALL OF YOUR  
15 FRIENDS AND FAMILY YOUR THANKS FOR THEM SHOWING UP HERE  
16 AND SHOWING THE SUPPORT, GIVING ME THE INFORMATION. BUT  
17 THERE IS AN END TO BEATING YOURSELF UP TOO, SIR. AND SO  
18 I THINK YOU HAVE A CHANCE TO BE A VERY PRODUCTIVE MEMBER  
19 OF THE COMMUNITY, AND I HAVE GREAT HOPES THAT THAT IS  
20 WHAT IS IN YOUR FUTURE.

21 THE DEFENDANT: THANK YOU. THANK YOU.

22 THE COURT: ANYTHING ELSE FROM ANYBODY?

23 MR. PARISI: NO, YOUR HONOR.

24 MR. FUSCHINO: NO, THANK YOU, YOUR HONOR.

25 THE COURT: MR. PETRARCA.

1 THE PROBATION OFFICER: NO, YOUR HONOR.

2 THE COURT: THERE ARE NO CHANGES THAT  
3 NEED TO BE MADE. WE ARE SIGNED OFF ON THE ORDER AND I  
4 HOPE THAT YOU ALL HAVE A GOOD REST OF THE WINTER AND A  
5 PRODUCTIVE LIFE GOING FORWARD, MR. DILLINGER.

6 THE DEFENDANT: THANK YOU VERY MUCH, YOUR  
7 HONOR.

8 THE COURT: TAKE CARE, EVERYBODY. WE ARE  
9 ADJOURNED.

10 (COURT ADJOURNED.)

11 I CERTIFY THAT THE FOREGOING IS A  
12 CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
13 ABOVE-ENTITLED MATTER.

14 5-30-24  
15 DATE

*Lynn Gligor*  
OFFICIAL COURT REPORTER

16 LYNN GLIGOR, RMR  
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